

**MINUTES**  
**Crested Butte Town Council**  
**Regular Meeting**  
**Crested Butte Town Hall**  
**Monday, February 6, 2006**

Mayor Alan Bernholtz called the meeting to order at 7:03 p.m. Council members present: Ron Chlipala, Margot Levy, Skip Berkshire, Billy Rankin, Bill Coburn and Leah Williams. Staff present: Town Manager Frank Bell, Town Attorney Laura Magner, Town Clerk Eileen Hughes, Town Planner John Hess, Public Works Director Bob Gillie (for part of the meeting).

Approval of the minutes of the January 17, 2006 regular council meeting.

Coburn moved and Chlipala seconded to approve the minutes of the January 17, 2006 regular council meeting as submitted. Roll call vote taken with all present voting yes. **Motion passed unanimously.**

1. **PUBLIC COMMENTS** -None

2. **STAFF REPORTS**

Bell:

- Discussed item addressed in his memo to council dated February 2, 2006 regarding Elk Avenue business owner Steve Ein's concerns about palm tree artwork being displayed on adjacent property. Council briefly discussed the topic and indicated they did not want to take any action.
- Advised council he is expecting a lot public comment at the February 21, 2006 council meeting regarding Eighth Street (and whether or not it will be developed as a street or greenway).
- Reported he sent e-mail to council regarding scheduling a work session on horizontal zoning at 6 p.m. on April 10, 2006. Council agreed date was fine as long as it did not conflict with the Crested Butte Community School spring break.
- Bell distributed report dated February 6, 2006 from Finance Director Lois Rozman regarding 2005 Business Changes.
- Noted that a debriefing with owners in Paradise Park Subdivision (Affordable Housing) will be held on March 13, 2006 at 6 p.m. (*Time of meeting was later changed to 5 p.m.*).

Hess:

- Reported that the Standard Mine Advisory Group (SMAG) is meeting on February 28, 2006 at 1:30 p.m. Hess said advisory group member Steve Glazer thinks it is a good idea for some council members to attend the meeting. SMAG will discuss water quality compliance regulations.

Hughes:

- Noted her memo to council dated February 2, 2006 regarding Town Website Traffic report.

### 3. PUBLIC HEARINGS

A) Ordinance No. 2, Series 2006-An Ordinance Amending the Town's Zoning and Land Use Ordinance Regarding the Definition of Detached Buildings.

Bernholtz read the title of the Ordinance and opened the public hearing. Williams asked the Town Attorney if she could vote on the ordinance (because she owns a residence that may be affected by the ordinance). Magner said Williams could vote on the measure and explained that it's appropriate for council members to vote on zoning matters that affect the whole town. There were no public comments. Bernholtz closed the public hearing.

Coburn moved and Levy seconded to approve Ordinance No. 2, Series 2006. Roll call vote taken with all voting yes. **Motion passed unanimously.**

### 4. NEW BUSINESS

A) Crested Butte-Mt. Crested Butte Chamber of Commerce Presentation Regarding Crested Butte i-Zone (CBiZ) and Request for Funding to Cover a Potential Shortfall in the 2006 Visitor Center Funding (\$7,500).

Crested Butte/Mt. Crested Butte Chamber of Commerce Director Mark Ewing reviewed and highlighted information in a handout he distributed to council regarding the CBiZ program. Chris Greene discussed a Leading Edge Entrepreneurial class being presented in Crested Butte. Ewing requested \$7,500 from the Town of Crested Butte to help with the shortfall in the Chamber's 2006 budget. Bell explained funding would come from general fund surplus revenues for 2006 or general fund reserves and requested that any funding granted be appropriated during the fourth quarter of the year.

Coburn asked Bell for the rationale for funding the Chamber's request compared to other non-profit groups that may seek additional funding from the Town. Bell explained that the situation is different because the Chamber is funded through the Business and Occupation License Tax (BOLT) collected by the towns of Crested Butte and Mt. Crested Butte and it's appropriate for the Chamber to seek funding from the Town in the event of a budget shortfall.

Williams moved and Levy seconded to appropriate \$7,500 to the Crested Butte/Mt. Crested Butte Chamber of Commerce for the 2006 budget year. The funding will be appropriated in September 2006 contingent upon the Chamber requesting the funds at that time. Roll call vote taken with all voting yes. **Motion passed unanimously.**

B) Referral of Request by Kokoapplejack LLC to the Board of Zoning and Architectural Review (BOZAR) for Additional Recommendations.

Coburn excused himself at 7:45 p.m. due to a conflict of interest and left the room.

Bernholtz noted the topic was discussed in work session prior to the meeting and council discussed scheduling a joint meeting with members of BOZAR to discuss the topic. Council indicated they wanted to discuss the Kokoapplejack request in the greater context of a philosophical discussion concerning planning and visioning for potential development and redevelopment of the “C” zone. Council also indicated support for a subcommittee to discuss issues revolving around the Kokoapplejack request (parking, zoning changes etc). Council indicated the subcommittee should not meet until after the council’s joint meeting with BOZAR

Council agreed to schedule the date of the meeting with BOZAR later in the meeting under the agenda item Council Meeting Scheduling.

Coburn returned to the council chambers at 7:59 p.m.

C) Ordinance No. 3, Series 2006-An Ordinance Authorizing the Acceptance of an Assignment of a Conservation Easement by the Town of Crested Butte from the Crested Butte Land Trust on the DePasquale Property for Conservation Purposes.

Bernholtz read the title of the ordinance. Magner noted that she will need to revise Ordinances 3, 4 and 5, Series 2006 because she received the assignment and assumption documents associated with the ordinances after the ordinances were drafted. Town Planner John Hess and Crested Butte Land Trust (CBLT) representative Sandy Leinsdorf fielded several questions from council regarding the DePasquale Conservation Easement. There were no public comments.

Chlipala moved and Levy seconded to set Ordinance No. 3, 2006 for public hearing on February 21, 2006.

D) Ordinance No. 4, Series 2006- An Ordinance Authorizing the Acceptance by the Town of Crested Butte of an Assignment of Recreation Easement from Gunnison County on the Kroft Property for Public Recreational Use Purposes.

Bernholtz read the title of the ordinance. Crested Butte Land Trust representative Sandy Leinsdorf and Town Planner John Hess answered a few questions from council regarding the recreation easement. There were no public comments.

Levy moved and Rankin seconded to set Ordinance No. 4, Series 2006 for public hearing on February 21, 2006.

E) Ordinance No. 5, 2006-An Ordinance Authorizing the Acceptance of An Assignment of Conservation Easement by the Town of Crested Butte from the Crested Butte Land Trust on the Kroft Property for Conservation Purposes.

Bernholtz read the title of the ordinance. Crested Butte Land Trust representative Sandy Leinsdorf and Town Planner John Hess responded to several questions from council regarding the conservation easement. Council thanked Doug and Gina Kroft and the CBLT for the conservation easement. There were no public comments.

Levy moved and Rankin seconded to set Ordinance No. 5, Series 2006 for public hearing on February 21, 2006.

F) Approval of Plat and Party Wall Agreement for Lost Miner Condominiums.

Magner asked council to approve the plat and party wall agreement subject to requirements from staff.

Rankin moved and Levy seconded to approve the plat and party wall agreements for Lost Miner Condominiums subject to legal requirements of staff. Roll call vote taken with all voting yes. **Motion passed unanimously.**

5. **LEGAL MATTERS/TOWN ATTORNEY**

Magner reported she is researching horizontal zoning and noted horizontal zoning has been in place in Vail for a long time. Aspen used Vail's horizontal zoning regulations as a model for implementing horizontal zoning in Aspen. Bernholtz asked Magner to provide information from her research on horizontal zoning to the horizontal zoning subcommittee. Council also directed Magner to reissue a memo Magner wrote to council several years ago regarding horizontal zoning.

Council also directed Magner to research the legality of levying sales tax on services.

6. **COUNCIL REPORTS AND COMMITTEE UPDATES**

Bernholtz:

- Would like to set up a council subcommittee regarding parking. Council agreed with the idea and Levy, Berkshire and Rankin volunteered to serve on the parking subcommittee. Council briefly discussed the existing Ground Transportation Task Force (county wide) and how the work of the Task Force may relate to the work of a council subcommittee on parking. Council agreed that the subcommittee's first task is to develop a scope of the committee's objectives and then report back to council.
- Requested an executive session at the February 21, 2006 council meeting with the Marshal's department to discuss personnel matters. Berkshire said he would also like an executive session for discussion of personnel matters.
- Reported the Arts subcommittee is working on a draft resolution regarding location of arts facilities and he anticipates a resolution will be ready for council consideration in early March.
- Reported on the English as a second language (ESL) class he attended as a guest.
- Attended recent Mayor/Managers meeting. They discussed holding joint meetings of municipalities in the County biannually. Bell reported City of Gunnison mayor Stu Ferguson is facilitating a meeting regarding economic development and possible restructuring of the Gunnison Valley

Economic Development Corporation (GVEDC). Bell is unable to attend but Finance Director Lois Rozman will attend.

Coburn:

- Reported the Crested Butte Area Plan (CBAP) subcommittee has been meeting regularly with Gunnison County officials to review the Town's draft CBAP in comparison to the County's Comprehensive Plan. Council agreed to try to set up meeting with Board of County Commissioners (BOCC) to determine the best course of action for the draft CBAP i.e. bring to the BOCC for adoption or should the Town adopt the CBAP?

Rankin:

- Reported he attended a meeting sponsored by the Office for Resource Efficiency (ORE) regarding the Renewable Energy Mitigation Program (REMP) in Pitkin County and the City of Aspen. Rankin briefly explained the REMP program and said it has been beneficial.
- Reported he attended a recent ORE meeting. ORE has hired a building director. Rankin distributed information to the council regarding the Leadership in Energy and Environmental Design (LEED) program and a LEED award received for the North Boulder Recreation Center Renovation project.

Levy:

- Attended the recent opening of the new Business Resource Center at the Crested Butte Library and reported that library officials thanked the Town for providing space for the Literacy Action Program classes.
- Reported she received a call from a concerned citizen regarding safety of school kids on Red Lady Avenue. The citizen is concerned about the creation of path in the area and the removal of the fence. Bell explained the School District promised to rebuild the fence which fell apart. Bell will contact the School District and urge them to rebuild the fence.
- Attended a recent meeting in Crested Butte regarding Essential Housing. Noted some concern was expressed that accessory dwellings in Town were falling out of the rental pool. Requested staff to conduct survey again regarding use of accessory dwellings.

Berkshire:

- Expressed positive comments about resuming Coffee with the Council.

7. **OTHER BUSINESS TO COME BEFORE COUNCIL** –None

8. **COUNCIL MEETING SCHEDULING**

Council agreed to schedule a work session with BOZAR members and staff for 6 p.m. Wednesday March 15, 2006 regarding planning/visioning for the "C" zone. Bernholtz will work with Bell on developing agenda for the meeting.

Bernholtz adjourned the meeting at 8:58 p.m. by unanimous consent.

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Alan Bernholtz, Mayor

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Eileen Hughes, Town Clerk